

AMENDMENTS TO THE DRAWINGS

Figure 1 of the drawings has been amended, as set forth in the attached Replacement Sheet, to label the subassembly with numeral "18", and for clarity. No new matter is believed to be contained in the drawing amendment.

Attachment: Replacement Sheet of Drawings (1)

REMARKS/ARGUMENTS

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action provided, for acknowledgement of Applicant's Information Disclosure Statement by return of the Form PTO-1449, and for acknowledgement of Applicant's Claim of Priority and receipt of the certified copy of the priority document in the Official Action.

Upon entry of the above amendments claims 1-4 will have been amended and claims 5-9 will have been added. Claims 1-9 are currently pending. Applicant respectfully requests reconsideration of the outstanding objection and rejections, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner objected to the drawings under 37 C.F.R. § 1.83(a) because they fail to show a lever being hinged to a sub-frame. Applicant notes that the general structure of a sub-frame is shown in figure 1 of the drawings as filed on December 31, 2003. However, figure 1 has been amended for clarity and to label the sub-frame with numeral "18" as in the original specification. Accordingly, the subassembly, numbered 18 is now shown in the replacement sheet of drawings accompanying the present amendment. Further, figure 1 has been amended to include the -- Prior Art -- label. Therefore, the objection to the drawings is now believed to be moot and should be withdrawn. Furthermore, claim 1 has been amended to recite that the lever is "hingedly connectable to a sub frame" to remove the sub frame as a positively recited element in the claimed combination.

In the Official Action the Examiner objected to the Specification for discussing that which is not shown (see Page 3 of the Official Action). Without acquiescing to the propriety of the objection, the Specification has been amended to indicate "not shown", as suggested by the Examiner. Therefore, the objection to the Specification is believed to be moot and should be withdrawn.

In the Official Action, the Examiner objected to claims 3 and 4 for informalities. In particular, the Examiner asserts that the recitation of "takes a circular shape" is unclear. Claims 3 and 4 have been amended to make it clear that the insert hole is circular in shape. Therefore, the objection to claims 3 and 4 is believed to be moot and should be withdrawn.

In the Official Action, the Examiner rejected claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by BANSE (U.S. Patent No. 5,108,126);

Claims 1-4 as being anticipated by DUPHILY (U.S. Patent No. 4,470,611);
and

Claims 1-4 as being anticipated by LEE (U.S. Patent No. 6,182,979).

Although Applicant does not necessarily agree with the Examiner's rejections of the claims on these grounds, nevertheless, Applicant has amended independent claim 1 to clearly obviate the above-noted grounds of rejection in order to expedite prosecution of the present application. In this regard, Applicant notes that BANSE, DUPHILY and LEE all fail to teach or suggest the combination of elements as recited in amended claim 1. In particular, claim 1, as amended, sets forth an actuator assembly of a suspension including, inter alia, a

movable member provided on the outer circumferential surface of the actuator, such that the actuator pivots about the movable member.

Applicant submits that neither BANSE, DUPHILY nor LEE disclose a *movable member provided on the outer circumferential surface of the actuator, such that the actuator pivots about the movable member.*

The Examiner cites to BANSE, elements 22 and 29, as purportedly disclosing an actuator and a lever, respectively. Initially, Applicant notes that reference numeral 29 actually denotes the angle between the damper lever (Col. 2, lines 38-40). Further, BANSE appears to disclose the shock absorber, which the Examiner has characterized as being an actuator, coupled to a lever at its distal end via a knuckle (see Fig. 4). Similar to BANSE, DUPHILY appears to disclose a dampening mechanism coupled to a toggle (28) at its distal end (figure 2). Further, LEE appears to disclose a hydraulic actuator mounted via a movable hinge structure 4. Thus, neither BANSE, DUPHILY or LEE disclose a movable member provided on the outer circumferential surface of the actuator, such that the actuator pivots about the movable member. One advantage of the aforementioned feature of an embodiment of the present disclosure is to provide an actuator assembly of a suspension that is capable of preventing sliding at the joint of the lever and the actuator, thus securing durability of the system (see the Present Disclosure, Page 3, lines 11-14). Accordingly, the rejection of claims 1 - 4 under 35 U.S.C. § 102(b) is improper for all the above reasons and withdrawal thereof is respectfully requested.

In view of the amendments and arguments herein, Applicant submits that independent claim 1 is in condition for allowance. With regard to dependent claims 2-9 Applicant assert that claims 2-9 are allowable on their own merit, as well as because they depend from independent claim 1, which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully request an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied reference. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Seok-Chan YUN

Will E. Lyddane
Bruce H. Bernstein William E. Lyddane
Reg. No. 29,027 Reg. No. 41,568

Attachment: (1) Replacement Sheet of Drawings

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GREENBLUM & BERNSTEIN, P.L.C.
1941 Roland Clarke Place
Reston, VA 20191
(703) 716-1191